

R E M A R K S

Claims 1 to 3, 5 to 8 and 14 to 27 as set forth in Appendix I of this paper are now pending in this case. Claim 4 has been canceled, Claims 1, 6, 8 and 16 have been amended, and Claims 18 to 27 have been added as indicated.

In addition to editorial changes in the wording of Claims 1, 6, 8 and 16, applicant has amended Claim 1 to include the requirement of Claim 4. New Claims 18 to 27 have been added to further bring out that the inner container is specifically adapted to meet the requirements of drums for washing machines and laundry dryers. The subject matter of new Claim 18 is, accordingly, based on applicant's disclosure concerning Claims 1 and 14, and new Claims 19 to 27 essentially correspond to Claims 2 to 6, 8, 17, 7, 15 and 16, respectively, with the difference that the new claims depend upon Claim 18. No new matter has been added.

The Examiner has rejected Claims 1, 2, 4 and 7 under 35 U.S.C. §102(b) as being anticipated by either one of the teachings of *Wolf et al.* (US 4,793,491), *Haase* (US 4,408,420), *Schafer* (US 4,465,020), *Gezari* (US 3,910,449) and *Nagata* (US 3,752,351), stating that "[a]ll the references show all the structure of the device as recited in the claims".

Favorable reconsideration of the Examiner's position is respectfully solicited. Anticipation under Section 102 can be found only if a reference shows exactly what is claimed¹⁾, and the test for anticipation is one of identity, cf. the identical invention must be shown in the reference in as complete detail as is contained in the claim²⁾. Neither one of the referenced teachings disclose a drum shaped container at least a portion of which comprises an inner and an outer wall made from a thermoplastic comprising polypropylene as required in accordance with applicant's Claim 1 as herewith presented.

- According to the teaching of *Wolf et al.*, the outer housing is formed from "a high impact and corrosion resistant synthetic material such as, for example, a high density polyethylene"³⁾ and the inner

1) Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (CAFC 1985); In re Marshall 577 F.2d 301, 198 USPQ 344 (CCPA 1978); In re Kalm 378 F.2d 959, 154 USPQ 10 (CCPA 1967).

2) Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 USPQ2d 1913 (CAFC 1989).

3) Col. 3, indicated lines 22 to 25, of **US 4,793,491**.

container is made from a tetrafluoroethylene resin and a fiberglass layer^{4),5).}

- The inner and the outer wall of the storage container addressed in the teaching of **Haase** is made of a "glass fiber reinforced plastic material" or a "thermosetting reinforced plastic material"^{6).}

- **Schafer** describes an apparatus which prevents the freezing of water in a water line which comprises inter alia a double-walled tank. The teaching of **Schafer** is, however, silent as to the material(s) which are employed as wall material for the tank.

- The sanitary sump taught by **Gezari** which has a double-walled structure is made from bags formed from a nylon reinforced coated laminate such as nylon reinforced neoprene rubber^{7).}

- The teaching of **Nagata** relates to double-walled containers wherein the walls are "composed of a conventional thermoplastic resin material such as polyvinyl chloride"^{8).}

Neither one of the referenced teachings can reasonably be considered to identically describe applicant's inner container in as complete detail as is contained in the claim as is required for a finding of anticipation under Section 102. It is therefore respectfully requested that the rejection of Claims 1, 2, 4 and 7 based on the teaching of **Wolf et al.**, **Haase**, **Schafer**, **Gezari** and **Nagata** be withdrawn. Favorable action is solicited.

New Claims 18 to 27 are drawn to a washing machine or laundry dryer. Neither one of the teachings of **Wolf et al.**, **Haase**, **Schafer**, **Gezari** and **Nagata** relates to such a household device and the subject matter defined in the new claims is, therefore, also not anticipated by those teachings.

The Examiner has rejected Claims 1 to 8 and 14 to 17 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of **Jalbert** (US 3,681,820) when taken in view of the disclosure of **Goria** (US 6,282,763).

4) Col. 3, indicated line 67, to col. 4, indicated line 4, of **US 4,793,491**.

5) As an aside it is further respectfully noted that the outer container and the inner container according to **Wolf et al.**'s teaching have no shear resistant connection. Note, for example, the disclosure in col. 1, indicated line 65, to col. 2, indicated line 6, of **US 4,793,491**, which points to the composite nature of the vessel and to the fact that the inner container can be removed when the outer shell is disassembled.

6) For example Abstract and Claims 10 and 13 of **US 4,408,420**.

7) Col. 7, indicated lines 22 to 40, of **US 3,910,449**.

8) Col. 2, indicated lines 1 to 3, of **US 3,752,351**.

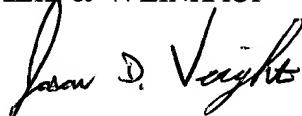
The teaching of *Jalbert* as well as the disclosure of *Goria* relate to burial containers. As such, neither one of the references can reasonably be considered to fall within the field of applicant's endeavor, cf. household articles. Moreover, neither one of the references addresses the stability problems which arise when an unbalanced, loaded container is exposed to spin-rotation as is the case, for example, in washing machines and in laundry dryers. As such, the references cannot be deemed as reasonably pertinent to the particular problem with which applicant was concerned. Accordingly, neither the teaching of *Jalbert* nor the disclosure of *Goria* falls within the realm of "analogous prior art" which is applicable under Section 103(a)⁹). It is therefore respectfully requested that the rejection of Claims 1 to 8 and 14 to 17 based on the teaching of *Jalbert* and the disclosure of *Goria* be withdrawn. Favorable action is respectfully solicited.

For the foregoing reasons the teaching of *Jalbert* and the disclosure of *Goria* are also not applicable under Section 103(a) where the subject matter of new Claims 18 to 27 is concerned.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Jason D. Voight

Reg. No. 42,205

1350 Connecticut Ave, N.W.
Washington, D.C. 20036
(202) 659-0100

Encl.: THE LISTING OF CLAIMS (Appendix I)

JDV/BAS

9) In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (CAFC 1992). See also In re Deminski, 796 F.2d 436, 230 USPQ 313 (CAFC 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (CAFC 1992); and Wang Laboratories Inc. v. Toshiba Corp., 993 F.2d 858, 26 USPQ2d 1767 (CAFC 1993). Compare MPEP §2141.01(a).

A P P E N D I X I:

THE LISTING OF CLAIMS:

1. (currently amended) An inner container for a household device, where said inner container is drum-shaped and has at least a portion of said inner container which comprises an inner and an outer wall with a shear resistant connection between the two walls, where both the inner and outer walls have been are made from a thermoplastic comprising polypropylene, and where said inner container is drum-shaped.
2. (previously presented) An inner container as defined in claim 1, where the cavity between the inner and outer walls is filled with a filler.
3. (previously presented) An inner container as defined in claim 1, where the cavity between the inner and outer walls is filled with concrete.
4. (canceled)
5. (previously presented) An inner container as defined in claim 1, where a laminate made from a decorative layer and from a heat-cured layer situated on the decorative layer has also been applied to the thermoplastic of the inner and outer walls.
6. (currently amended) An inner container as defined in claim 1, where, between the thermoplastic of the inner and outer walls and the laminate, there is also an intermediate layer.
7. (previously presented) An inner container as defined in claim 1, where the thermoplastic also comprises reinforcing materials.
8. (currently amended) An inner container as defined in claim 1, where the inner wall has a wall thickness of from 0.5 to 20 mm and the outer wall has a wall thickness of from 0.5 to 20 mm.
9. (canceled)
10. (canceled)
11. (canceled)
12. (canceled)
13. (canceled)

14. (previously presented) An inner container as defined in claim 1, wherein the household device is a front- or top-loading washing machine, or a laundry dryer.
15. (previously presented) An inner container as defined in claim 7, wherein the thermoplastic comprises from 5 to 50% by weight, based on the total weight of the thermoplastic, of reinforcing fillers.
16. (currently amended) An inner container as defined in claim 8, wherein the inner wall has a thickness of from 2 to 5 mm and the ~~thickness of the~~ outer wall has a thickness of from 2 to 5 mm.
17. (previously presented) An inner container as defined in claim 1, wherein a cavity situated between the inner wall and the outer wall has a thickness of from 20 to 150 mm.
18. (new) A household device having a drum-shaped inner container, which device is selected from the group consisting of a front-loading washing machine, a top-loading washing machine and a laundry dryer, and wherein at least a portion of said inner container comprises an inner and an outer wall with a shear resistant connection between the two walls, and both the inner and outer walls are made from a thermoplastic.
19. (new) The household device defined in claim 18, wherein the cavity between the inner and outer walls is filled with a filler.
20. (new) The household device defined in claim 18, wherein the thermoplastic comprises polypropylene.
21. (new) The household device defined in claim 18, wherein a laminate made from a decorative layer and from a heat-cured layer situated on the decorative layer has also been applied to the thermoplastic of the inner and outer walls.
22. (new) The household device defined in claim 18, wherein, between the thermoplastic of the inner and outer walls and laminate, there is also an intermediate layer.
23. (new) The household device defined in claim 18, wherein the inner wall has a wall thickness of from 0.5 to 20 mm and the outer wall has a wall thickness of from 0.5 to 20 mm.

24. (new) The household device defined in claim 18, wherein a cavity situated between the inner wall and the outer wall has a thickness of from 20 to 150 mm.
25. (new) The household device defined in claim 18, wherein the thermoplastic comprises reinforcing materials.
26. (new) The household device defined in claim 25, wherein the thermoplastic comprises from 5 to 50% by weight, based on the total weight of the thermoplastic, of reinforcing fillers.
27. (new) The household device defined in claim 26, wherein the inner wall has a thickness of from 2 to 5 mm and the outer wall has a thickness of from 2 to 5 mm.